

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ZACHARY GIAMBALVO, JOHN MOUGIOS,
SHANE MASHKOW, KEVIN MCLAUGHLIN,
MICHAEL MCGREGOR, FRANK MELLONI,
and RENAISSANCE FIREARMS INSTRUCTION,
INC., and all similarly situated individuals,

Plaintiffs,

22 Civ. 04778 (GRB)(ST)

-against-

SUFFOLK COUNTY, New York,
Police Commissioner RODNEY HARRISON,
in his Official Capacity, MICHAEL
KOMOROWSKI, Individually, ERIC BOWEN,
Individually, WILLIAM SCRIMA, Individually,
WILLIAM WALSH, Individually, THOMAS
CARPENTER, Individually, JOHN DOES
1-5, Individually and JANE DOES 1-5,
Individually, Acting Superintendent of the
New York State Police STEVEN NIGRELLI,
in his official capacity,

Defendants.

**[PROPOSED] ORDER TO
SHOW CAUSE FOR A
PRELIMINARY INJUNCTION**

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Upon the accompanying Plaintiffs' Memorandum of Law in Support of its proposed Order to Show Cause for a Preliminary Injunction dated December 8, 2022, the Declaration of Amy L. Bellantoni sworn to on the 8th day of December, 2022; the Declaration of Zachary Giambalvo sworn to on the 28th day of October, 2022 with exhibits; the Declaration of John Mougios sworn to on the 2nd day of December, 2022; the Declaration of Shane Maskow sworn to on the 31st day of October, 2022; the Declaration of Kevin McLaughlin sworn to on the 28th day of October, 2022; the Declaration of Frank Melloni sworn to on the 7th day of December, 2022 and upon all the pleadings and other papers filed in this action; and the Court, having reviewed the Memorandum of Law, supporting Declarations, and exhibits submitted therewith, and having found sufficient reason being alleged and good cause appearing therefore, it is hereby

ORDERED that Defendant Suffolk County Police Commissioner Rodney Harrison, and all successors, his officers, agents, servants, employees, and attorneys, and all other persons who are in active concert or participation with him who receive actual notice thereof (“Suffolk County”) shall (i) provide the New York State PPB-3 application on the Suffolk County Police Department website and local police precincts; (ii) accept the PPB-3 for filing from all applicants upon presentment; (iii) fingerprint applicants upon presentment of the completed PPB-3 or, in the alternative, publish the Suffolk County Police Department ORI number (Originating Agency Identifier) on its website and in local precincts for applicants to submit their fingerprints directly to the New York State Division of Criminal Justice Services (DCJS) and accept the resulting DCJS Report upon presentment of the PPB-3; (iv) photograph applicants upon presentment of the completed PPB-3 or, alternative, accept 2 statutorily required photographs from applicants upon presentment of the PPB-3; (v) provide hours of public accessibility outside of the Licensing Bureau’s currently restricted hours of Monday-Friday from 9:00 – 4:30 p.m.; and (vi) within 30 days of the presentment of the completed PPB-3 application, issue a handgun license to all applicants eligible to possess firearms under state and federal law, including Plaintiffs; and it is further

ORDERED that Suffolk County shall be enjoined from implementing and enforcing (i) Penal Law sections 400.00(1)(b), 400.00(1)(o), 400.00(19), that portion of section 400.00(4-a) allowing statutory licensing officers 6 months to either issue a license or deny an application made thereunder; (ii) Penal Law section 400.00(15) against handgun licensees who carry a handgun registered thereon outside of their license restriction; (iii) a licensing process that exceeds 30 days between presentment of the completed New York State Pistol/Revolver License Application (PPB-3) and issuance of a license (or denial thereof); (iv) a policy that requires applicants to be

personally interviewed; (v) a policy that subjects unlicensed individuals who participate in live-fire training with a duly authorized instructor, and their instructors, to criminal penalties including arrest and incarceration; and it is further

ORDERED that Suffolk County be so enjoined until such time as the Court resolves Plaintiffs' application for permanent relief in this case; and it is further

ORDERED that sufficient cause having been shown, service of this Order and all of the papers submitted in support thereof shall be made on Defendants' counsel deemed effective if it is completed by electronic mail on or before the ____ of December, 2022; and it is further

ORDERED that Defendants' answering papers on the motion for a preliminary injunction, if any, shall be filed with the Clerk of this Court and served upon the attorneys for Plaintiffs via ECF, by no later than _____, 2022, and that any reply papers submitted by Plaintiffs shall be filed and served by ECF by _____, 2022.

IT IS SO ORDERED

Dated: _____, 2022

Central Islip, New York

United States District Judge